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JUN 23 2005

In re Application of
Keese
Application No. 09/765,695
Filed: January 18, 2001
Atty. Dkt. No.: 1108334-0431

OFFICE OF PETITIONS
:
: LETTER REGARDING PTA AND
: CERTIFICATE OF CORRECTION
:
:

This letter is in response to the paper entitled "PATENT TERM ADJUSTMENT," filed March 3, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The correct Patent Term Adjustment ("PTA") at the time of the issuance of the patent is 194 days.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 194 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicant indicates that an error appears in the calculation of PTA and suggests a PTA of 194 days, rather than 237 days, is appropriate.

A review of the application history reveals that the determination of patent term adjustment of 237 days is in error. An adjustment of 248 days in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1) can be attributed to the Office¹. An additional adjustment of 17 days under 37 CFR 1.702(a)(2) and 1.703(a)(2) can be attributed to the Office².

¹ The adjustment began March 19, 2002, the day after the date that is fourteen months after the date on which the application was filed, and ended November 21, 2002, the date of mailing of non-final Office action.

² The adjustment began January 17, 2004, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended February 2, 2004, the date of mailing of non-final Office action.

The adjustment totaling 265 days is reduced 28 days for applicant delay in accordance with 37 CFR 1.704(b)³. The adjustment is further reduced for applicant delay, as indicated by applicant, 43 days in accordance with 37 CFR 1.704(b)⁴.

Hence, the patent term adjustment of 265 days appearing on the determination of patent term adjustment is in error as indicated by applicant.

As applicant is advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Publications Division for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Karin A. Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Enclosure: Copy of Adjustment PAIR Calculation

³ The reduction began February 22, 2003, the day after the date that is three months after the date of mailing of non-final Office action, and ended March 21, 2003, the date a response was filed.

⁴ The reduction began May 3, 2004, the day after the date that is three months after the date of mailing of non-final Office action, and ended June 14, 2004, the date a response was submitted.